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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

February 16, 2017

Captain Steven Katz
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Derrick Wright
J.S.I.D. File #16-0009
L.A.S.D. File #016-00162-2873-055

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 4, 2016, non-fatal shooting of Derrick Wright. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Omar Covarrubias, #[redacted] 

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN STEVEN KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Derrick Wright
J.S.I.D. File #16-0009
L.A.S.D. File #016-00162-2873-055

DATE: February 16, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 4, 2016, non-fatal shooting of Derrick Wright by Los Angeles County Sheriff's Department (LASD) Deputy Omar Covarrubias. It is the conclusion of this office that Deputy Covarrubias acted reasonably and lawfully in self-defense and in defense of others when he used deadly force against Derrick Wright.

The District Attorney's Command Center was notified of the shooting on January 5, 2016 at approximately 12:13 a.m. The District Attorney Response Team responded and was given a walk-through of the scene.

The following analysis is based on investigative reports and witness statements submitted to this office by Homicide Bureau Sergeants Kenneth Perry and Dan McElderry. The reports also include photographs and radio communications recordings. The voluntary statements of Deputy Covarrubias and his partner, Deputy Cesar Del Castillo, were also considered in this analysis.

FACTUAL ANALYSIS

Statement of [redacted]

On January 4, 2016 at approximately 1:24 p.m., [redacted] was driving westbound on 154th Street from Central Avenue, toward his home located on [redacted] in the City of [redacted] friend, [redacted] was a passenger in his car. As [redacted] and [redacted] approached Stanford Avenue, they observed a white Infiniti following behind them. [redacted] immediately recognized the driver as Derrick Wright, who had been harassing [redacted] for the past several days.[1] [redacted] continued to drive home, but as he approached Visalia Avenue, he noticed Wright was following

[1] [redacted] has known Wright for a number of years as they reside on the same street. Both [redacted] and Wright are members of the gang, "Swamps Compton Crips", and have mutual friends in common. A few days prior to this incident, on December 31, 2015, as [redacted] was leaving his home, Wright drove up to him and pointed a handgun at [redacted] telling him that he needed to move out of the neighborhood. [redacted] did not report the incident because he did not want problems with the other gang members in the area.

him. In fear, [redacted] made a northbound turn on Visalia Avenue and a sudden eastbound turn on 154th Street in an attempt to get away from Wright. As [redacted] approached Stanford Avenue, Wright pulled up next to him on [redacted] driver's side. Wright lowered his right passenger side window, and then immediately put the window up. Wright signaled "No" to [redacted] by moving his index finger in a side to side motion. Wright then reached towards his passenger seat, grabbed a semi-automatic handgun and pointed it towards [redacted] and [redacted] Wright put his vehicle in reverse, and [redacted] accelerated his vehicle in order to get away from Wright.

In fear for his safety, [redacted] reported the incident to the Compton Sheriff's station at approximately 8:24 p.m. where it was assigned for investigation to Covarrubias and Del Castillo. [redacted] provided the deputies with Wright's identity, his description, and a description of the vehicle Wright was driving at the time of the incident. [redacted] also provided the deputies with the cell phone video he recorded of Wright pointing the gun at him and [redacted]

Deputies Omar Covarrubias and Cesar Del Castillo

Covarrubias and Del Castillo were on duty at the LASD Compton station. They were in uniform and driving a black and white marked patrol vehicle when they responded to a radio call of an assault with a deadly weapon and criminal threats incident.[4] At approximately 8:51 p.m., Covarrubias and Del Castillo responded to [redacted] home to interview him regarding the incident. The deputies determined Wright had pointed a firearm at [redacted] earlier that day based on [redacted] statement and based on the video footage of the incident recorded by [redacted] informed the deputies that he was familiar with Wright because he lived near him. [redacted] also provided the deputies with a description of the vehicle Wright was driving at the time of the incident, a white Infiniti with paper plates.

Covarrubias and Del Castillo left [redacted] home and began driving south on Tarrant Avenue approaching South Haskins Avenue, to see if they could locate Wright or the Infiniti. As they approached the cul-de-sac of Tarrant Avenue, Covarrubias saw a white Infiniti with paper plates parked along the east curb of the cul-de-sac, facing north. Covarrubias drove into the cul-de-sac and stopped south along the east curb, in front of the Infiniti. Covarrubias illuminated the Infiniti with his patrol vehicle's head lamps and spotlight.

The Infiniti appeared to be unoccupied.[5] Covarrubias and Del Castillo exited their patrol vehicle and drew their service weapons as they walked towards the Infiniti to further investigate. When Covarrubias reached the front left tire of the patrol vehicle, Wright suddenly sat up from the driver's

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[2] [redacted] recorded the incident on his cell phone and later provided the video footage to the responding deputies, Covarrubias and Del Castillo.

[3] The video footage depicts Wright pulling up and stopping his vehicle directly next to [redacted] vehicle, while facing in the same direction. [redacted] driver's door window is open and Wright's passenger side door window is completely rolled up. Wright begins moving his right index finger from side to side gesturing "No" to [redacted] Wright then places his right hand down onto the front passenger seat, and lifts his right arm back up holding what appears to be a black semi-automatic handgun. Wright points the handgun directly at [redacted] and [redacted]

[4] Covarrubias was the driver and Del Castillo was the passenger.

[5] The Infiniti was reported stolen out of Los Angeles Police Department (LAPD) Foothill Division on November 16, 2015. When the vehicle was subsequently located after the incident, a strong odor of burned marijuana was emitting from the interior. In his *Miranda* interview, Wright admitted to smoking marijuana approximately one hour prior to the shooting. A plastic baggie containing a green leafy substance resembling marijuana and $1,890.00 cash were also subsequently recovered from Wright's sweatshirt pocket. One black plastic digital scale, standing up on its side, was also located lying on the northeast corner of the front porch of [redacted] South Haskins Avenue.

seat of the Infiniti. Wright immediately started his vehicle and began moving forward toward the deputies' patrol vehicle. Covarrubias and Del Castillo shouted commands to Wright to stop and raise his hands. Wright did not comply. Instead, Wright placed the Infiniti in reverse and backed away from Covarrubias and Del Castillo making it appear as if he was going to flee in his vehicle. Covarrubias and Del Castillo continued to shout commands to Wright for him to stop his vehicle and raise his hands. Wright stopped his vehicle and exited the driver's door. As Wright exited his vehicle, both deputies observed a handgun in Wright's right hand. Wright, armed, ran south toward the back of the Infiniti and a six-foot cinder block wall.[6] Once at the wall, Wright stopped briefly and began to turn toward Covarrubias and Del Castillo. It appeared Wright was still armed and was now turning to shoot at Covarrubias and Del Castillo.[7] In fear for his and his partner's safety, Covarrubias fired one round at Wright from his service weapon.[8] Wright then went over the cinder block wall and disappeared into the backyard on the opposite side.

Del Castillo took cover and backed up toward the mouth of the cul-de-sac, while Covarrubias ran east toward Haskins Avenue, in an attempt to contain the area. Additional units arrived at the location, and Wright was subsequently located on the front porch of [redacted] and taken into custody.[9]

Statement of Derrick Wright

Wright was interviewed on January 5, 2016, after waiving his *Miranda* rights. Wright stated he was parked in a cul-de-sac on Tarrant Avenue and had intended to leave his car there and walk [redacted] which was approximately [redacted] As he was exiting his car, he was surprised to see deputies pulling up to him with their spotlights on. Wright denied hearing any verbal commands from either deputy. Wright admitted to hearing the deputies attempting to get his attention, but he ran anyway.[10] Wright admitted he had a gun, but claimed he left it in the car when he exited and denied having anything in his hands when he ran.[11]

After being shot, Wright jumped down into the adjacent backyard and continued to run away from the area.[12] He opened a gate from the backyard and fled toward the street. Once on the street,

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[6] The cinder block wall is adjacent to the east sidewalk of Tarrant Avenue and led to the backyard of the residence located at [redacted]

[7] Del Castillo described Wright positioning himself on top of the wall, facing the deputies, and pointing the handgun in their direction. Del Castillo thought that Wright was going to shoot at him and Covarrubias.

[8] Covarrubias was armed with a department issued Smith and Wesson 9 mm semi-automatic pistol which was loaded to capacity with 17 rounds in the magazine and one round in the firing chamber. An examination of Covarrubias' handgun following the incident revealed that the handgun had one magazine containing (16) live rounds and one live round in the chamber, consistent with Covarrubias' account that he fired his weapon once. One cartridge case belonging to Covarrubias' firearm was found lying on the east sidewalk of Tarrant Avenue, east of the deputies' vehicle, near the left rear tire.

[9] A search of the surrounding area for Wright's firearm was conducted by two separate K-9's, but the handgun was not recovered.

[10] Wright stated that he ran because he had a gun in the car and was afraid that if the deputies found it, he would be arrested as he was a convicted felon and on probation for possession of ammunition. Wright stated he was on [redacted] Wright stated that when he exited his vehicle, he got out with his hands raised in the air, above his head.

[11] Wright stated he continued to run with his hands in the air, and that when he reached the top of the wall, he was shot in the leg by one of the deputies. Wright stated, "The gun was in the backseat. If I had a gun on me, they would have killed me." A blue steel semiautomatic handgun was subsequently recovered from the rear right passenger seat of Wright's vehicle. The handgun was loaded with one live round in the chamber as well as a fully loaded magazine.

[12] Wright sustained a single gunshot wound to his left, lower leg.

Wright hid on the front porch of a house located at [redacted] where he was ultimately found by deputies and taken into custody.[13]

In regards to the earlier incident with [redacted] Wright admitted that he pointed a gun at [redacted] because he did not like him and wanted him to get out of the neighborhood. Wright stated he did not intend to shoot [redacted] and that the gun was not loaded when he pointed it at [redacted] Wright admitted to purchasing the gun, which was located in the backseat of his vehicle, for protection because he is a gang member.[14]

As a result of this incident, Wright was charged in case number TA139004 with two counts of Penal Code section 245(a)(2), assault with a firearm, one count of Penal Code section 69, resisting an executive officer, one count of Vehicle Code section 10851(a), driving or taking a vehicle without consent, and one count of Penal Code section 29800(a)(1), possession of a firearm by a felon.[15]

Statement of [redacted]

[redacted] resides at [redacted] the location where Wright was located. [redacted] was inside her residence on the phone when she heard one gunshot. Minutes later, she looked outside and saw deputies in the area. She looked outside through her bathroom window and saw that the south side gate leading from her driveway to the backyard, which is always closed at night, was open. A while later, she looked out through her front door and saw a male figure on her porch.[16] [redacted] did not get a good look at the male, as she only saw the figure. When [redacted] thereafter spoke to a deputy through her bathroom window, she was informed that the deputies already knew that the suspect was on the porch.

Statement of [redacted]

[redacted] resides at [redacted] was in his living room when he heard sirens and the sound of patrol cars setting up around the area. He then heard glass shatter. About an hour later, he heard a loud boom which sounded like a shotgun.[18] At that point, [redacted] brought his stepson and his five month old twins to the front room. He looked around and found that the northeast window in the twins' room had an apparent bullet hole in it and observed a fired bullet in a crib.[19]

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[13] Wright hid for over an hour before an LASD special weapons team was able to take him into custody. Wright was first taken to the hospital and treated for his injury. Once in stable condition, he was released and taken into custody for booking.

[14] Wright admitted he is a long time member of the "Swamps Compton Crips" gang with the moniker of "Little Bear." [redacted]

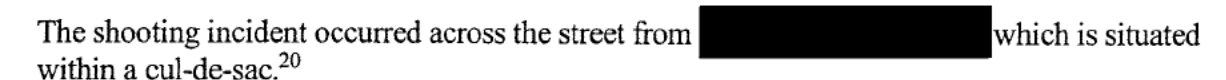
[15] The case is currently scheduled for jury trial on February 28, 2017.

[16] [redacted] never heard Wright running through her property.

[17] This residence is located next door to [redacted]

[18] At approximately 11:00 p.m., at the same time [redacted] heard the loud boom, deputies from the Special Enforcement Bureau deployed a light and sound diversionary device while taking Wright into custody.

[19] The fired bullet was subsequently examined and identified as having been fired from Covarrubias' weapon. The northeast bedroom of [redacted] residence is located southeast of where Covarrubias' and Wright's vehicles were parked. Wright sustained a non-penetrating gunshot wound to his left lower leg, so it appears that the bullet found in the crib is the one that struck Wright. A subsequent scene and trajectory examination revealed a bullet hole in the north facing window of the northeast bedroom of [redacted] residence. The bullet traveled downward in a



Physical Evidence

The shooting incident occurred across the street from [redacted] which is situated within a cul-de-sac.[20]

A blood trail was observed starting from about the middle portion of the backyard lawn of [redacted] The yard consisted of grass with a large storage shed at the northeast part. In the southeast portion was a concrete slab where there were various potted plants, a picnic table, a weight bench, and a small shed with one of its doors ajar. There was a detached garage at the southwest portion of the lot. The blood trail continued in a southeast direction through the yard on the grass and cement. It continued through the open chain link gate located at the southeast portion of the yard, then went east along the south side of that property on the grass, and then north on the front lawn to the front porch, where Wright was taken into custody.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code §835a. California permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d 470, 477-484; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; *Tennessee v. Garner* (1985) 105 S.Ct. 1694. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. *Ceballos*, supra, 12 Cal.3d at 479.

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code §197; *People v. Randle* (2005) 35 Cal. 4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 cal. 4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal. 4th 1073, 1082; see also, CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense,

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southeast direction, perforated the exterior and interior window panes, and perforated a slat of the horizontal window blinds. The bullet continued to impact the top edge of a television located atop a dresser along the east wall, ricocheted in a southwest direction and impacted a south wall. The bullet ricocheted northwest and landed on the crib located along the north bedroom wall. There were no children in the room at the time the bullet came through the window.

[20] At the cul-de-sac, there are houses and a raised sidewalk on the west and south sides of Tarrant Avenue. On the east side of the cul-de-sac, there are cinder block walls separating the rear yards of two homes, which are actually located on Haskins Avenue (the street to the east of Tarrant Avenue). The first home is [redacted] and the home south of that is [redacted] the location where Wright was ultimately apprehended.

uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. *Graham v. Connor* (1989) 490 U.S. 386, 396-398.

The evidence examined in this investigation shows that Wright was a fleeing felon at the time of his encounter with Deputies Covarrubias and Del Castillo. Wright had earlier assaulted [redacted] with a handgun placing [redacted] in fear for his safety. [redacted] promptly reported the incident to police, which led to the deputies locating Wright shortly thereafter. Wright acknowledged hearing the deputies' attempts to detain him, but instead of lawfully surrendering to police he decided to flee from the deputies, pointing a gun at them in the process. Although no weapon was ultimately recovered near Wright's hiding area, he waited in hiding for over an hour prior to the Sheriff's special weapons team taking him into custody and would have had time to dispose of the gun. It is likely that Wright was in possession of two guns, the one ultimately located in the backseat of his vehicle, and another more accessible to him in the front passenger seat of his car (the location where [redacted] had seen him reach for a gun earlier). The possibility of Wright possessing two guns is further supported by Wright's own admission. Wright admitted that the gun he pointed at [redacted] was not loaded, while the gun that was located on the backseat of his vehicle was, in fact, fully loaded.

In this case, Deputy Covarrubias was justified in his use of deadly force. Clearly, Covarrubias was placed in imminent danger of death when Wright pointed a handgun in his and Deputy Del Castillo's direction.

CONCLUSION

Based on the foregoing, we conclude that Deputy Covarrubias acted reasonably and lawfully in self-defense and in defense of others when he used deadly force against Derrick Wright. We are therefore closing our file and will take no further action in this matter.